

Notice of Allowability

Application No.

10/616,237

Examiner

Sandra M. Nolan-Rayford

Applicant(s)

PINNEY, STEVE B.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response dated 10 March 2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 08 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet below.

S.M. Nolan-Rayford
SANDRA NOLAN RAYFORD
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The base claims of the application are claims 1, 8 and 13. They can be summarized as follows:

Claim 1 covers a composite comprising:

-fiber/resin tubing including a central axis,

-an elongated truss having a longitudinal axis and including two or more wires and a plurality of diametral fibers,

wherein the truss fits within the tubing such that the central axis of the tubing and the longitudinal axis of the truss are coaxial and the diametral fibers are connected to the tubing with resin.

Claim 8 covers a composite comprising:

-fiber/resin tubing including a central axis,

-an elongated truss having a longitudinal axis and including a wire and a plurality of diametral carbon fibers forming bundles around the wires,

wherein the truss fits within the tubing such that the central axis of the tubing and the longitudinal axis of the truss are coaxial and the diametral fibers are connected to the tubing with resin.

Claim 13 covers a composite comprising:

-fiber/resin tubing including a central axis,

-an elongated truss having a longitudinal axis and including at least two wires and a plurality of diametral carbon fibers forming circular bundles around the wires, wherein the truss fits within the tubing such that the central axis of the tubing and the longitudinal axis of the truss are coaxial and the diametral fibers are connected to the tubing with resin, and the diametral fibers are substantially equal length from the longitudinal axis of the truss.

Note: Support for the language added to claims 1 and 8 via the amendment submitted with the 10 March 2005 response ("the last response") is found in original claim 13.

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3. The prior art of record fails to teach or suggest composites having all of the features now recited in claims 1, 8, or 13.

4. The 35 USC 103 rejection of claims 1-15 as unpatentable over Abel (US-5,582,744) is withdrawn in view of the amendments and arguments presented in the last response. The arguments on pages 5 and 6 of the response are deemed persuasive.

5. The 15 December 2003 IDS citation sheet has been revised to show the correct patentees' names and dates for US patents 5,450,870 and 5,860,877.

See the enclosed copy of the revised sheet and the cover pages of the patents.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

S. M. Nolan-Rayford
S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

10616237(20050615)

**SANDRA NOLAN RAYFORD
PRIMARY EXAMINER**